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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,583	02/24/2004	Cheung Chong Kao	14518/0001	9901

7590

08/19/2005

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EXAMINER

MAY, ROBERT J

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)	
	10/785,583	KAO, CHEUNG CHONG	
	Examiner	Art Unit	
	Robert May	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 13 is objected to because of the following informalities: the term "light source" should be in plural tense in so as to have proper antecedent basis from Claim 1 which recites "at least two light sources".

Claim 15 is objected to because of the following informalities: first line last word "firs" should be replaced by --first--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-7, 10-13, & 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pulco (US Pat 6,431,740) in view of Oster (US Pat 3,536,908).

In regard to Claims 1-7, Pulco discloses all of the claimed elements of Claims 1-7, 10 but fails to disclose a governing disc comprising two concentric tracks wherein one track includes successive transparent color bars. However, Oster discloses in Figures 5 and 6 a turntable which rotates between the light sourced and the fiber optic trunk base of a lighting system wherein the turntable is divided into two sections of arc like bands that are each of a different color and each section is concentric with respect to each other as disclosed in Figures 5 and 6. The two sections of the turntable allow each light source to follow an assigned track or concentric section of the turntable so as to have a particular color sequence or scheme assigned to each fiber bundle. Therefore, it would be obvious to one of ordinary skill in the art to modify the teachings of Pulco by replacing the color wheel of with the turntable of Pulco in order to assign a particular color sequence or scheme to each fiber bundle of Pulco.

Claims 8-9 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pulco in view of Oster as applied to claims 1-7, 10-13, & 15-17 above, and further in view of Ferguson (US Pat 5,820,248). While Pulco in view of Oster discloses all of the elements of Claims 1 and 13, they fail to explicitly teach or suggest a venting means in the shape of a slot disposed at the base of the fiber optic lighting means. However, Ferguson discloses in Figure 4 a vent hole 46 in the base of the fiber optic Christmas tree for allowing heat to escape from the base generated by the light source (Col 5,

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Lines 14-17). Therefore it would be generally obvious to one of ordinary skill in the art to modify the teachings of Pulco in view of Oster to have a vent hole or slot in the base of the fiber optic lighting apparatus in order to allow the heat escape from the base generated by the light source.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cox (3,564,233), Sadacca (3,766,376), Murakami (4,279,089), Chu (6,299,339), & Kao (6,679,622) disclose a fiber optic illuminated tree. Hills (2,286,737), Ohmae (6,755,554), & Coleman (6,811,279) disclose a color disc with concentric tracks of varying colors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert May whose telephone number is (571) 272-5919. The examiner can normally be reached between 9 am– 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval PAIR system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



THOMAS M. SEMBER
PRIMARY EXAMINER